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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,429	11/17/2003	Kelly E. Rollin	305262.01/MFCP.139604	2729
45809 7590 08/01/2008 SHOOK, HARDY & BACON L.L.P. (c/o MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613				
EXAMINER				
LEROUX, ETIENNE PIERRE				
ART UNIT		PAPER NUMBER		
2161				
MAIL DATE		DELIVERY MODE		
08/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,429

Applicant(s)

ROLLIN ET AL.

Examiner

Etienne P. LeRoux

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Status

Claims 28-63 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-35, 38-47, 50-59, 62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchelmore (Pub No US 2002/0090934), hereafter Mitchelmore, in view of Kaplan et al (Pub No US 2002/0180803), hereafter Kaplan.

Regarding claim 28, 40, 52, Mitchelmore discloses a method for creating a user profile comprising the steps of: upon detecting a connection of a Portable Storage Device (PSD) to a computing device [Fig 6], scanning the PSD for an indication of an existing user profile containing data files, application settings and user environment settings, wherein the user environment settings comprise a user's desktop configuration, start menu configuration or other operating system shell configurations; [Mitchelmore, paragraph 100, user's personal configuration on the handheld device may need to be mirrored on the desktop and vice versa, paragraph 100, user files, paragraph 55, category name, Figure 6, web management system 625, paragraph 16]

Mitchelmore discloses the elements of the claimed invention as noted above but does not disclose in response to detecting that no existing user profile is found on the PSD, automatically launching a user profiled connection wizard that enables the user to create a user profile on the PSD. Kaplan discloses in response to detecting that no existing user profile is found on the PSD, automatically launching a user profiled connection wizard that enables the user to create a user profile on the PSD [paragraph 9]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mitchelmore to include above limitation as taught by Kaplan for the purpose of organizing multimedia content stored on flash media readers [paragraph 9].

Regarding claim 29, 41, 53, the combination of Mitchelmore and Kaplan discloses wherein the user profile configuration wizard allows a user to select which content data will be synchronized between the PSD and the computing device [Kaplan, paragraph 9].

Regarding claim 30, 42, 54, the combination of Mitchelmore and Kaplan discloses wherein the content data comprises a plurality of different types of data [Mitchelmore, paragraph 57]

Regarding claim 31, 43, 55, the combination of Mitchelmore and Kaplan discloses wherein the plurality of different types of data include one or more contacts, multimedia files, calendar data, and documents [Mitchelmore, paragraph 57]

Regarding claim 32, 44, 56, the combination of Mitchelmore and Kaplan discloses wherein for each of the plurality of types of data, the user may select all, some, or none of the data [Mitchelmore, paragraph 17]

Regarding claim 33, 45, 57, the combination of Mitchelmore and Kaplan discloses the step of synchronizing the selected content data with data on a later-connected PSD [Mitchelmore, paragraph 59].

Regarding claim 34, 46, 58, the combination of Mitchelmore and Kaplan discloses wherein the content data comprises user settings [Mitchelmore, paragraph 55]

Regarding claim 35, 47, 59, the combination of Mitchelmore and Kaplan discloses prompting the user to select for synchronization all, some or none of the user settings [Mitchelmore, paragraph 59]

Regarding claim 38, 39, 50, 62, the combination of Mitchelmore and Kaplan discloses determining whether there is sufficient memory available on the PSD to stores a user profile [Mitchelmore, paragraph 5].

Regarding claim 51, 63, the combination of Mitchelmore and Kaplan discloses the elements of the claimed invention as noted above but does not disclose wherein if there is not sufficient memory available on the PSD to store a user profile, offering to free up storage space on the PSD by deleting files stored on the PSD selecting a portion of memory on the PSD for storing the user profile and formatting the portion of memory for use as a user profile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include wherein if there is not sufficient memory available on the PSD to store a user profile, offering to free up storage space on the PSD by deleting files stored on the PSD selecting a portion of memory on the PSD for storing the user profile and formatting the portion of memory for use as a user profile for the purpose of conserving resources by

making the best utilization of the present memory.

Claims 36, 37, 48, 49, 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Mitchelmore and Kaplan as applied to claim 28/40/52 and further in view of Ananian (Pub No US 2003/0028451), hereafter Ananian.

Regarding claim 36, 48, 60, the combination of Mitchelmore and Kaplan discloses the elements of the claimed invention as noted above but does not disclose the step of displaying, if the user chooses some of the user settings for synchronization, a list of user settings to the user. Ananian discloses the step of displaying, if the user chooses some of the user settings for synchronization, a list of user settings to the user [claim 17]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include above limitation as taught by Ananian for the purpose of managing personalized user profiled catalogs [abstract] .

Regarding claim 37, 49, 61, the combination of Mitchelmore, Kaplan and Ananian discloses the elements of the claimed invention as noted above but does not disclose wherein each item in the list of user settings is accompanied by a checkbox that, if check, selects the item for synchronization. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include wherein each item in the list of user settings is accompanied by a checkbox that, if check, selects the item for synchronization for the purpose of providing a quick and easy means for the user to make a selection of a desired action.

Response to Arguments

Applicant's arguments filed 3/19/2008 have been considered but are moot in view of the new ground(s) of rejection necessitated by applicant's claim amendments.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday through Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

7/31/2008

/Etienne P LeRoux/
Primary Examiner, Art Unit 2161